your Committee chosen on the 28 Sept? "To divide the lown into wards and fix the location of school-houses, and report how how many new school houses are necessary and report their doings to an adjourned meeting" would respectfully submit the following for your consideration. your Committee are aware of the difficulty of dividing the town into wards and locating school houses in such a manner that cach and all of the inhabitary shall be equally well accommodated. The thing is impracticable in itself, and therefore not to be expected, however much it is to be desired. more over the multiplication of school houses, so as to meet the demand of the present applicant, would in our opinion be no furtherand to the cause of schooling but would bring a heavy expence and prove a lasting burden to the town. They are of the opinion that the only circumstance that should imperiously call for any addition to the number of school houses must be the too full state of the present schools. They are persuaded that The inconvenience of distance from the school house which man labour under and complain off, cannot be brought for ward alone as good reason for increasing the pumber of school hours. To illustrate, we suppose the following instance, namely. If a number of the inhabitants in the south-west-part of the town, call on the town from reason of inconvenience of distance to better accomin the east and north who will the same demand; - and after this there may be some in the south difratisfied. \_\_ And for such reason alone if the town grant the request of the first named applicants - there is no plausible ground why they should not that of the last named also. And therefore it must appear manifest that if we should act from the inconvenience alone, there would be no end to the multiplication of school-houses.

your Committee therefore come to the two following Resolutions, namely. 
1st that no addition should be made to the number of our school-houses

father than the number of scholars render it negle frang.

the majority of the inhabitants of the ward in which it stands.

Your Cornanittee take the liberty to divide this seport into three distinct parts, that each or all may be an effect or rejected as the town may judge frofer.

Part first That the four nominal districts in town remain or sidered. bounded for the present, as they have been considered.

Part second That the town adopt measures to build a new schoolhouse immediately in the south ward on the old site.

Part third Thut a new school-house be exected for & 5th ward near

the house of Emerson Inthank, in the string of 1836

and that the following individuals compose the

Mid Lideth Woodburg Lave Smith Sylverte Nactor Lough Thurston, Lowell of Newton, Licoln Newton 22, Sellivan Fay, Herver Huntling, Arlemos Lay, Cartes Newton Charles Lales, Erra Bernis, Calvin Anglin, Edmund Mipple, Wid Anna Lay, Emerson Inthant. Harry Hubbard, William Lay, Nathan Fay, Alauron Chamberlain. John Parker p., Per Abisha Sampron. Jubist D Milson, Elij Flagg, Otis Flagg, Dama Flagg, Sowell Pihe, Temple P Colling, Iraland Plagy, Jonathan Walke hour, Mores Day, Elmerer Lyde, Nothand Este, Alexanda M.M. -indell, Lock Orion.

Mann Con They but districts to be a school-1 and for no that each Berides school-districts can mon be made equal in point of property And it can never operate equally for school-district to build their school - houses and support them. There are other powerful reasons in favour of the town system; one of which is that districts or wards require no geographical bounds and in it, individuals may by a vote of the town be shifted from one (ward) to another as circumstances shall from time to time Willand Nowton Charman of the stor oun,

1st that no addition should be made to the number of ourself father than the number of scholars render it necessary.

22 that the location of each school house should accomm the majorit of the inhabitants of the ward in which your cornanita take the libert to divide this selver harts, that each or all may be accepted or rejected as

The Inhabitunts of the Town of buthton; Your Committee chosen on the 15th of October last, to build a new School house in the south part of the Lown to repair the three brick School houses, and treat with individuals for their interest when they make it appear that they have nights in them" respectfully report. First. That they immediately proceeded to provide materials and erect a School house as authorised and directed by a vote of the Jown, and that said house is in such a state of forwardness that the committee feel themselves marrien ted in saying it will be ready for use by the middle of December next, That the circumstances relative to the three brick School houses have been such as to induce the com mittee to believe the time had not arrived when it was expedient for them to commence The repairs, al The they would have done so had there not been a prospect of an adjustment concerning them, and had not the inhabitants been called upon to take The subject again into consideration. Third - With regard to the remaining and by far the most difficult branch of their duty assigned them, namely the treating for the old school houses your committee feel that in order to do justice to them selves, and those with whom they have been cal , led whon to act, as well as to make the inhabitant of the Town fully acquainted with the progress and present state of the case, it will be necessary to go somewhat into detail. Nearly two weeks since your committee were notified that some individuals from the Mist, Centre, and last school divisions, or districts, had held a meeting at the Centre School house and chose a committee of three persons from each of the three districts, to present and prosecute their claims to the said School houses as their individual and pri vate property. And your Committee was requested to meet the several committees on the hart of the

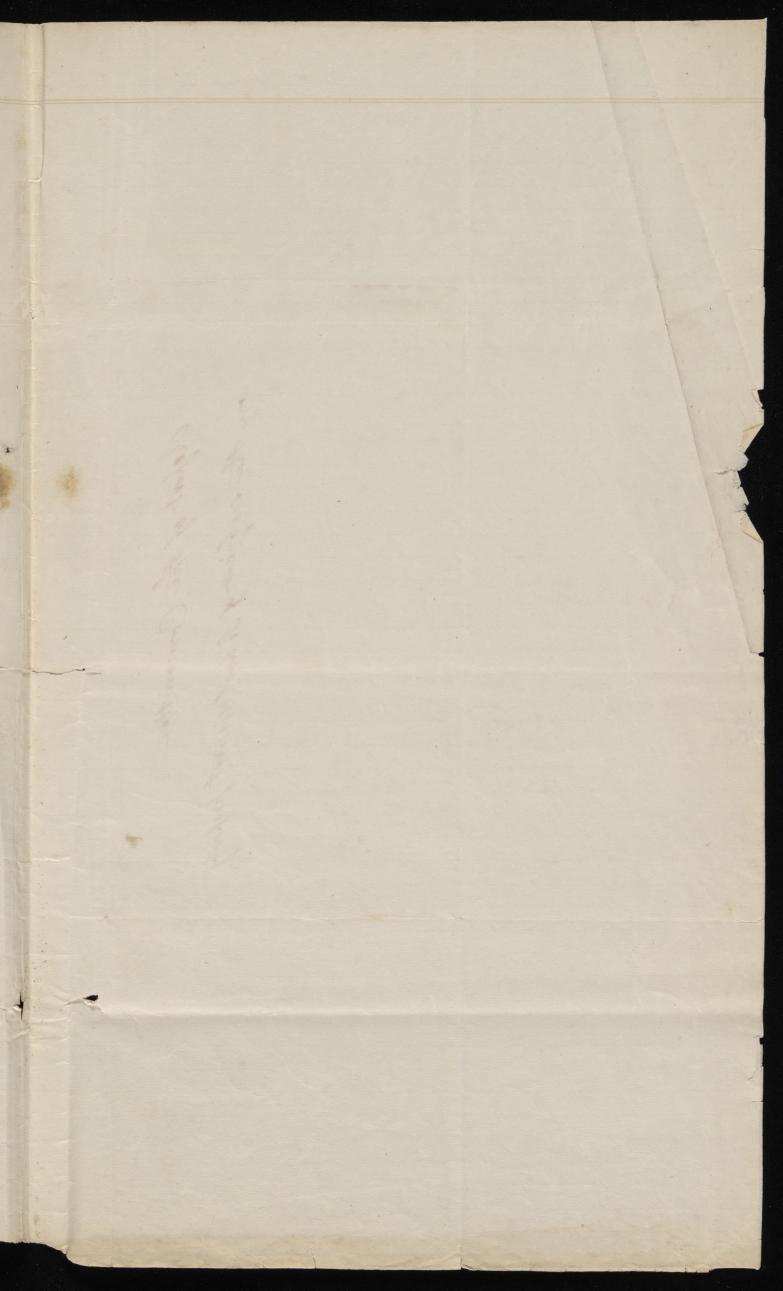
claimants on the evening of thursday November 19th At, and prior, to this meeting your committee learned What great diversity of opinion prevailed among the claimants themselves. For instance, One was for claim ing the full original cost of the houses, and having the money divided among the Surviving builders -Inthe thought the cost with the addition of interest should be the sum. Others that the present value should be the sum - while some of these would divide the money among the builders alone, while others would destribute it among the builders - the heirs of builders - and non-residents - And others were of opinion that justin. demanded a distribution of the money among those who now compose what has been considered the districts - and others were willing without compen - sation to relinguish them to the Town, so they might continue to enjoy the same privilege in Them as heretofore\_ It was under such circumstances that your com mittee met Those in behalf of the claimants.
At this meeting, Warrant, and Jay Books were presented for examination which your Committee have believe to be The same made use of to collect money to pay the expende of building the three brick School houses. It was there contended by The claimants committees That These documents were sufficient proof of their (the builders) being the sole owners of the houses. And your committee were asked to admit this, and treat with them for the houses whom the principle. your sommittee did not used could not admit their claim in this form, both because they ded not feel themselves and porised, and because they die not believe in the justice of its - On the 21th of November your Committee met the Committee on the part of the claimants, and after organising by choosing bapt Elisha Tohnson Moderator, and Dr. Joel Burnett Self. agreed to the following measures which were proposed by the Committee of the claimants, dead which some to be whiting

on the food bath Committees relative to the disputed interests in the three brish School houses, " Voled that a Committee of three disinterested im persons out of Yown be elected to apprise the three brick School houses, out houses, and furniture - and whose duty it shall be to make the disposition of the proper et Noted That Jesse Moods be chairman of this com e Noted, That Dea. ettephen R. Phelps be the second on Woled, That bol. Jonas bluyes be the third on this tin Committee 2e Toted to request the above Committee to meet at the Centre School house on Thursday The 26 instant 5 n at g block A. M. m Voted. That the neport of the above bommittee be sealed by them and handed to the Town's Committee to be by them laid before the Town." on Considering the diversity, of openion before stated, w your Committee were of opinion that refering the case to individuals mutually agreed upon, was the best, and indeed the only method of treating with those interested which would be likely to produce a favorable result, es In pursuance of the foregoing agreement the harlies w met on Thursday last, and the Commette to whom d The subject was referred, after viewing the 3 houses, and hearing the statement of the Committee for the claimants on the one side, and your Committee in behalf of the right of 0 The districts on the other, proceeded to make up their report 1 which they delivered plealed to your Committee, and cel which they now offer for your acceptance and disposal. 5 Southboro November 28 1835, Ver order sing Pulliver Tay Chairman 2

Total to except the report of Soice Committee

The subscribers to whoom was referred by the Committee of the lown of Southborough together with the Committee of their school districts, the subject of treating with the inhabitants of the Centre, East and west Ichool elistricts in town relative to their altice to their rights and property in said districts and the disposal of the same, having fully heared the parties and diliberately considered the subject, submit the following report. That we are unanimous of the opinion that the houses and property belonging each of said districts should revert to the present inhabitants of said chitruits, and others owning real estate in the same, and that the Lown thould pay in consideration therefor as follows to wit. To the centre district the sune of two hundred and ninety nine dollars. So the west district the sum of two hundred and To the East district the sum of two hundred and twenty collars all which is respectfully submitted by Jesse Woods So, Phelps Southborough ( Jonas Clayes

and it will simple the work of in the 101101 6001 1900 Son 1805



Report of the Committee on the subject of Schooldistrut property Con with Nov. 23. 1835.

Dear Le

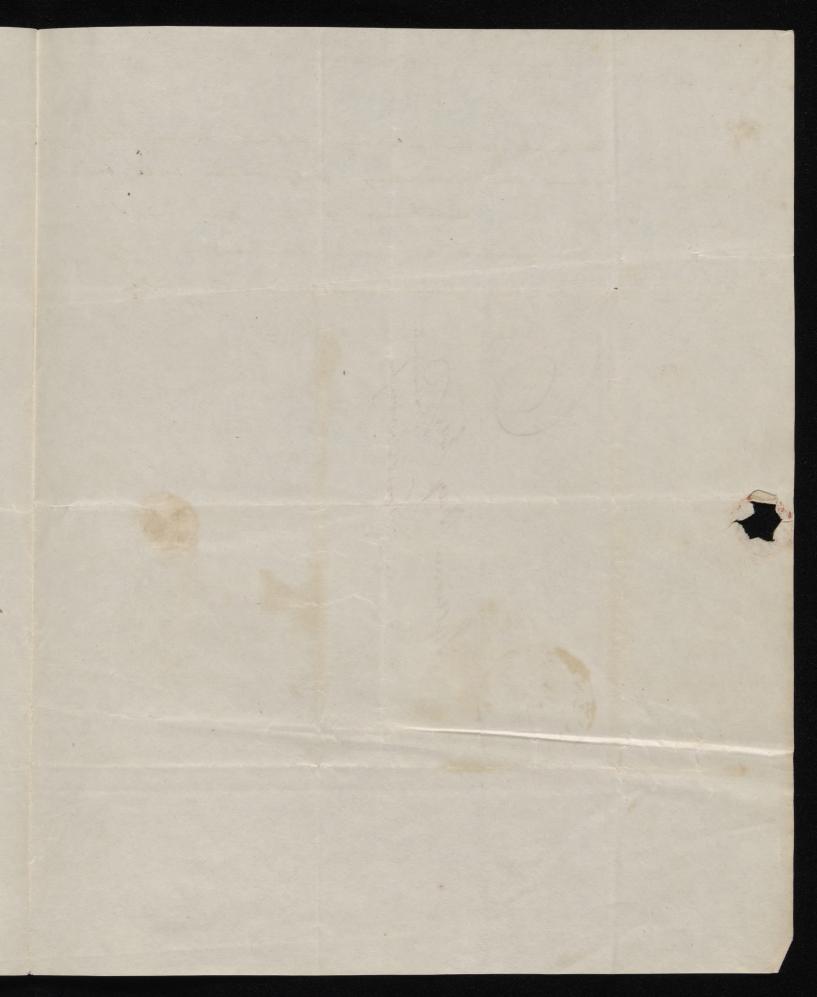
Grow of the 21" wit was taken by sur from the Post office this morning.

The reject of the Examination made by me of the records bridge and proceedings of the Form of Louthborough was represent to their Schools and behave houses and Achool britisety was as follows:

1. That no byse School britis has

Conveyences to the School Districts, the Manner air which the houses were built, the length of time and the objects and purposes for which they have been and burbores for which they have been used and occupied, the property in the louds and houses is now to be considered as fixed and vested in, and belonging to, The Town.

Without going wite ony chitails upon this Subject I be him the pucking proporitions will be found to contain the Lubytance of the opining I have hereto fore Explosion to your Come uniter. It however them he any point orwitted, I will refly to any further luquing without delay. Men ony truly f. Flay Ey your, to



Sullivan Fay los Doctmenter, Southborough.

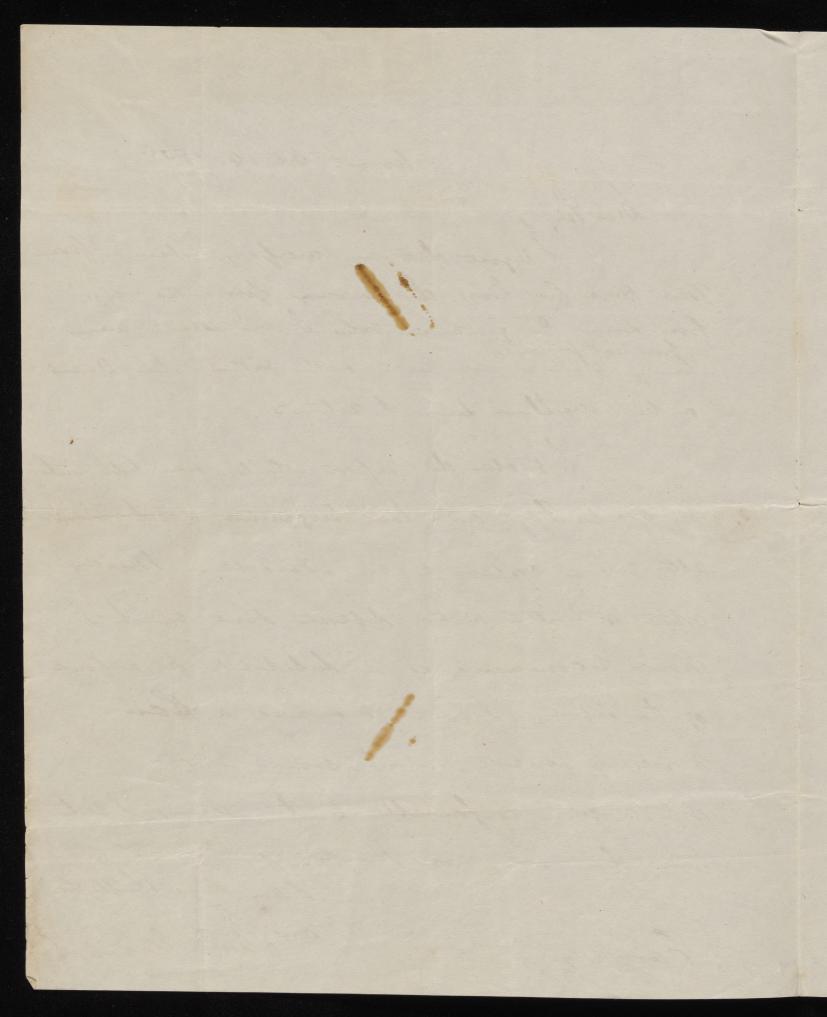
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South School district
Invoice OD 1035

Unat On 14. 1835.

Town for a few hours this serving proventes and from Jon Lung the gratheren who I understown were from Jon Helpmany be were with Either her Dawis or her. Was there I with Either her Dawis

I suclose the report which was life with An by · lu Fay, and how Suggestia buch alterations as appear to an advisable. Bisides What is written on the Seperate Short, which I nous recommend as a hubstitute for a fore of the Refort. I have morbed a face hords in her cit, which would make the report won conformable to the vering I sente tani, Hun as it now Mandy. I am Respectfully ty Stay Eig. your fluis Murich





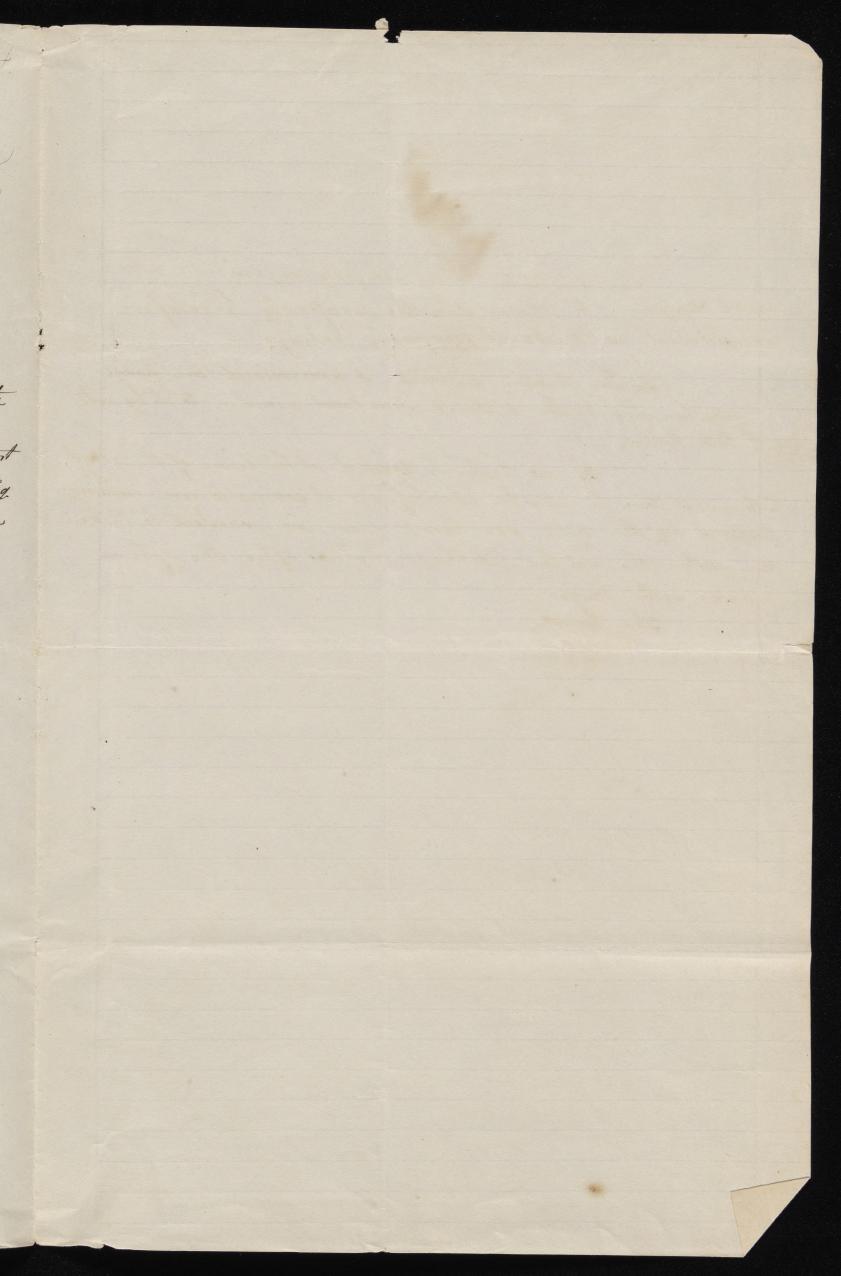
Sullivan Fay Erg Straslet.
Southborough

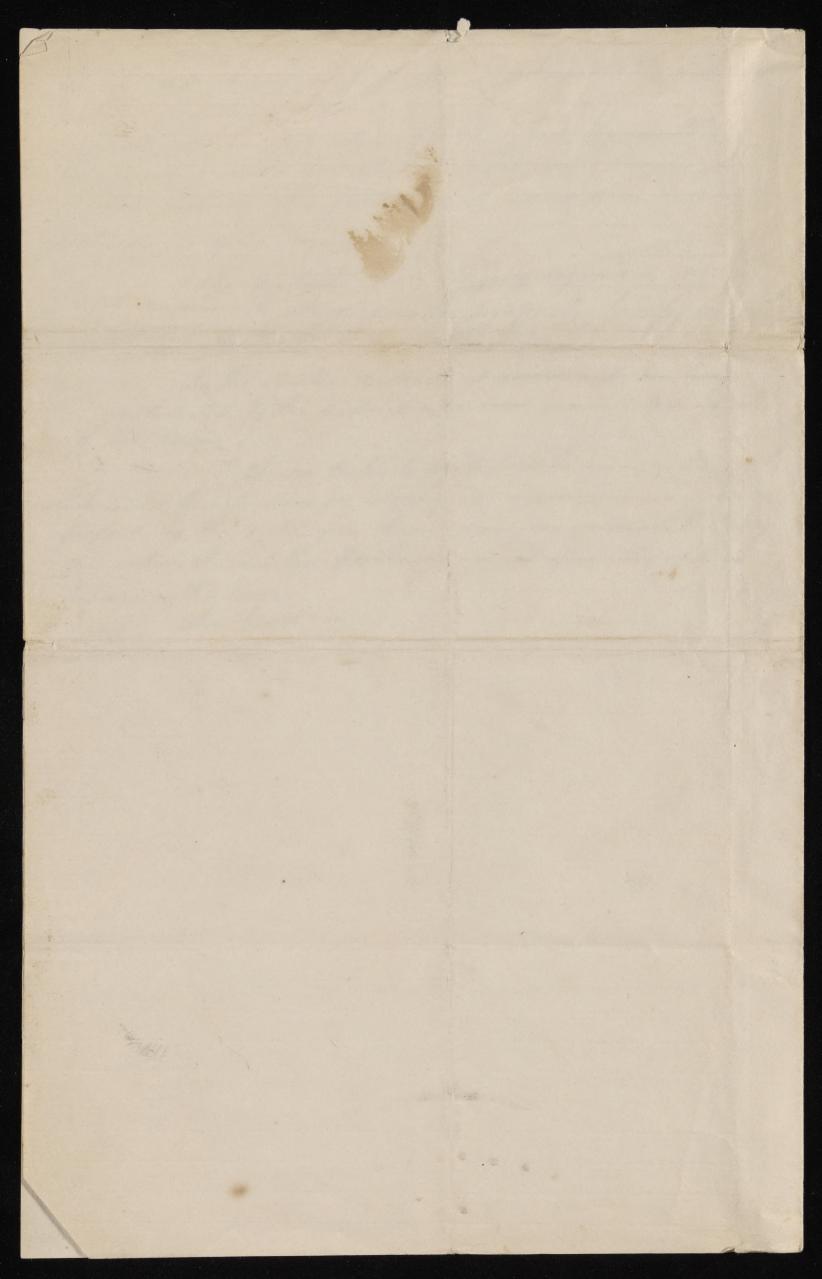
Gentlemen, Since the brief conference I had with you I have been obliged tenesepectedly to be out of town untill this evening, and have had lettle opportunity to consider the questions which you proposed to me, as however your inhabitants have a town meeting tomorow when the dispositions of your schools will be under their considerations I will state the result of such reflections as I have bestowed upon the subject. In 1801 the town of Southbori in legal meeting appoin -ted a committee to advise divide the lown into school Districts, This committee reported a list of the numes of the inhabitants assigning to each District certain persons but made no Division of the territory- Their report was accepted and their affaires, relating to schools have thenceforward been conducted, as if the town had been divided into territorial Districts Jayes have been levied, houses exceted, lunds conveyed. and money raised by the town from year to year, distributing on the assumption that legal districts under the doings of the town had been created determined by the Court It has however been judicially determined by the court in 7th of Sicky. page 106 and 12 Bick & 206 that no Districting except by geographical lines is sulid for Euch District must be a distinct well defined territory. It is plain legal districts have never existed Southboro It is not every to truce the consequences which may follow from this false step, for the town and the several Districts have managed their business as if school corporations existed and exercised the powers and functions belonging to them when in thath no such legal body has existed -I am much inclined to the opinion that as to pussed acts in which all interested have acquiesed, it must be considered that school corporations have

them and the town, the town would be as much

bound by its policy, as if it had created legal Districts,

for it has always waised all objections to the illegality untill recently. But not so with others at least as respects future or present matters of contest, I will not however dwell on this view of the matter us it seems to me not very material to your inquiries mext Enquire to whom does the property heretofere considered as District property belong? In the Centre District I understand the house was Exected by the District wfrom land granted to it by vote If no Districts Existed at the time of the grant which could then on now be identified, it seems to me nothing passed by the vote for there were no grantees to take the interest, and the patitle remained after the vote as before in the town: The house



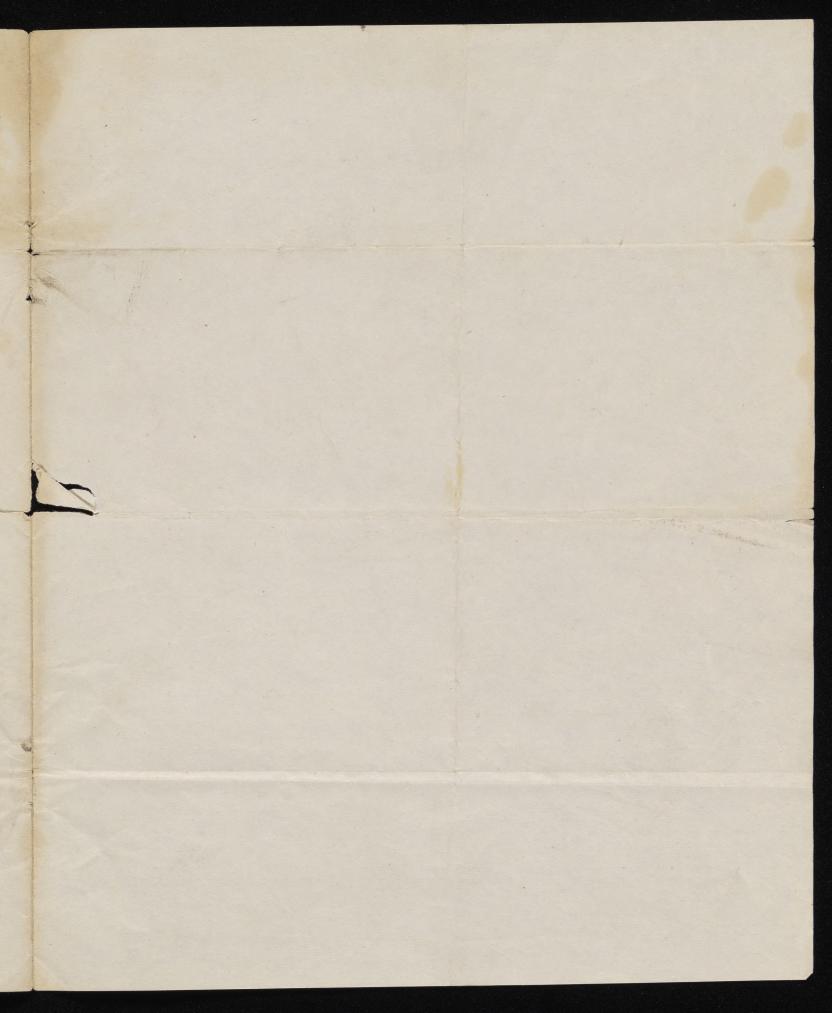


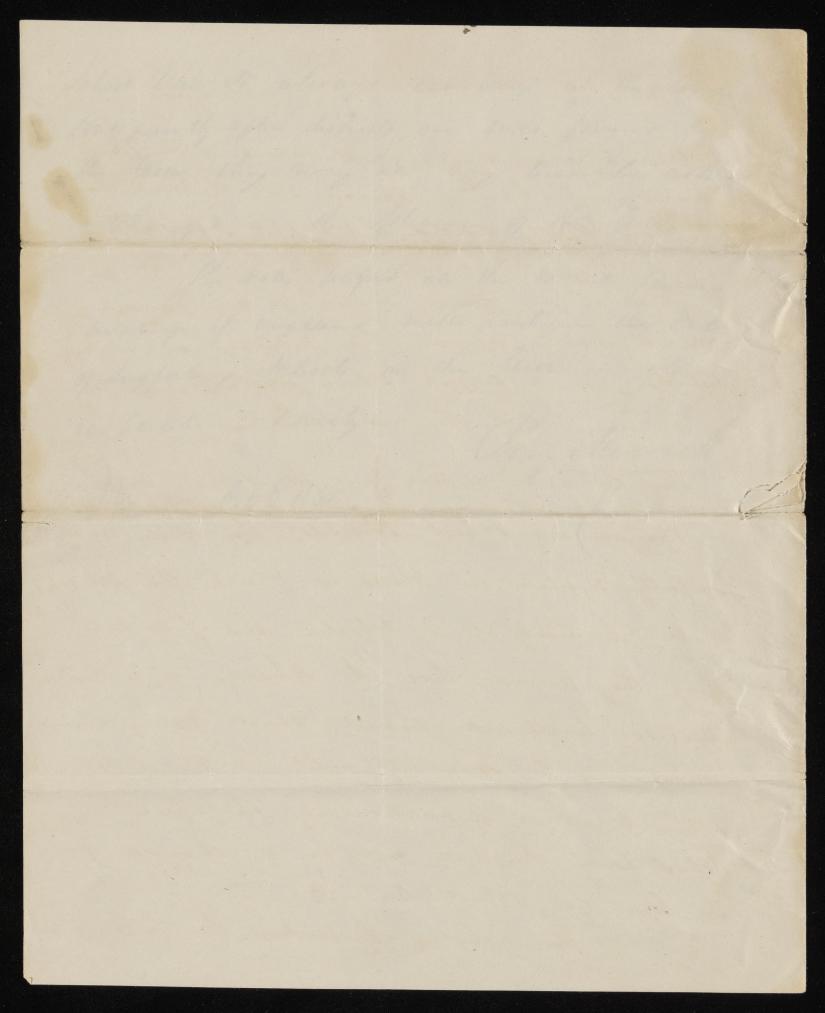
Mfor a reexamination of the Records of the Four of Southborough, I am of springer that the Four has never been legally divided with School Districts.

It is in my opinion lawful for any town to refuse to make a division of its Levritory in to school districts, and to support schools in different parts of the Town at the Corporate Explenes.

When the Four Supports all the Schools without by dirigion with School Districts, the Town may lawfully regulate the places at Which the Schotlan Shall respectively allund School, and if in do Doing they provide that the Schollong in a Certain described territorial district shall during the phorus of the hour, and until further order, attend School at a particularly Specified Ichool house this will not be a direfrien of the Town with School Districts. The right of districting the Town auto

School Districts, always remains in the Tours. Consequently after districts one once formed by the Town, they may at any time be altered or Changed at the phosure of the Town -The votes heeped at the Ercent Town meeting, if waltens, will continue the duty of Supporting Schools on the lover in it, Corporate Cabacity. Moratu Oct 0 1835, Ping Merricks The trade the place of the places





I am what regues to to give my opinion upon sweral questions in orbition to the School districts & Ichool houses in the town of Suntebors, and in on de to be and understood I state The questions & my views separately I leve there any ligally constituted school distouts in the town of Southhors such as are recognised on conforations by the Statutes of the lower mon. wealth ? I aprime that there is no notes districting the Town weight that in 1801 by which custains indi. bediels named are constituted the "squadrous" or distrult of the lower I consider this question sattled by the case of Withington & Evelette y Pich Rep 106. where the Court held that such a division of a town was not a defining of school districts such as withing the Statutes. There being them no heally constituted school dis touts the second question is to whom Do the school houses already entited below? on answering this I negard the deluation to rights of parties as to the several school hous. atting distinct & in some respects different

The Centre school house I under stand is placed upon the land of the town by their persuperou Of course it is personal estate & may be treated as suches. It was built by sunday individuals of the under the form of a tax it was in effect a contribution of lecture sums to a common purpose or those who contributes must be the owners of the property built with this snowy It sums to me Therefore that the original contochetors & the ligal representatives of Those of There who are dead are the owners of that house in the sheet propositions to what Thy organally purch. I unshirthing the East I hook house stands up land which was based for a town of years. Sofer as the house is concerned personal intenst for I understand the stand can only be enjoyed while it is ourpied by a school house high for the purposes of a Tehool house, and will the owners choose to remove the house from the land , as for dayle I see They muy do, the house would be preson estate & situated so for as ownership is con Cernis like the house in the Centre Destrut. In organd to the west distruct house a different rules applies. The house stands whom land court

by Me Stevens & Me Temple to the Inhabitants of the town constituting the west school distout & Their ofsigns. It doubthe was supposed that this dud conveyed the land to the district as a cospo. ration to be held in perpetuity but as there wer no was possition in fact it associated to a duck to the Individual's who were known to recognises as the west school district by the records of the town or otherwise at the late of the dut, In the myst place as the conveyance was not to them a their his they severally took an estate in Common for life - and The sums belongs to the survivors of Those who constituted the outsideals known as the Must school distrut when the duck was made, These only can convey the house, it is ex. toing doubtful if they can comy any in terest in it for a longer provid them the lipe of the largest lives of them. But this will hook. ably become immaterial when the parties we. If Therefore the town or much districts should wish to purchase these houses they may know with whom to treat & whom to pay. I make no allusion to the nights of the owners of the East school distrut house, to the lund under the late statute made in reference to such long

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hierer for as they will not probably be dis posed withvidually to support a school there, the house would be what wer is chiefly valuable to the avoners. In regard to the stones now in the houses I under Hand they were purchased & pland - There within a few years by mens of money raised by a Fax, If my reasoning as to the houses is correct the Hours would belong to the individuals who is fact furchased & hand for Them. Enory It letwers The day can colored the house of the one the state of the s of the first the print on your die To E to the same that he was with wheney to trust a where to prove